

Exhibit B

CAUSE NO. 2020-77659

CECILIA GONZALEZ,	§	IN THE DISTRICT COURT
INDIVIDUALLY, AND A/N/F OF	§	
S.F., A MINOR	§	
	§	
V.	§	HARRIS COUNTY, TEXAS
	§	
	§	
SRC REAL ESTATE (TX), LLC, AND	§	
SEARS, ROEBUCK AND CO.	§	125TH JUDICIAL DISTRICT

DEFENDANT SRC REAL ESTATE (TX), LLC'S VERIFIED ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF THIS COURT:

SRC REAL ESTATE (TX), LLC ("SRC"), Defendant, files this its Verified Original Answer, and would respectfully show this Honorable Court as follows:

1. Subject to such stipulations as may hereafter be made, SRC asserts a general denial as is authorized by Texas Rule of Civil Procedure 92, and SRC respectfully requests that Plaintiffs be required to prove the charges and allegations against SRC by a preponderance of the evidence as is required by the Constitution and laws of the State of Texas.

2. In the alternative, and without waiving the foregoing, SRC asserts that, in the unlikely event it is found liable to Plaintiffs, SRC is entitled to contribution, credit, and/or indemnity as provided by the laws and statutes of the State of Texas, including but not limited to the provisions of Chapters 32 and 33 of the Texas Civil Practice and Remedies Code.

3. In the alternative, and without waiving the foregoing, SRC asserts that any recovery that Plaintiffs may obtain in this matter be reduced by a percentage equal to Plaintiffs' percentage of responsibility, pursuant to Section 33.012(a) of the Texas Civil Practice and Remedies Code.

4. In the alternative, and without waiving the foregoing, SRC asserts that, in the unlikely event it is found liable to Plaintiffs, SRC is entitled to a reduction for the negligence, liability, fault, or other conduct which is attributable to any party pursuant to the doctrine of comparative fault or causation.

5. In the alternative, and without waiving the foregoing, SRC asserts that, in the unlikely event it is found at fault, the doctrine and rights provided under the proportionate responsibility provisions of Chapter 33 of the Texas Civil Practice & Remedies Code, including the submission of Plaintiffs (as “claimants”), defendants, and any responsible third parties, to the trier of fact for the comparison of responsibility and assignment of percentages of responsibility, be applied, and that any judgment rendered be done so pursuant to the statutory provisions found in Chapter 33 of the Texas Civil Practice and Remedies Code, including, but not limited to, those statutory provisions specifically addressing proportionate responsibility, the determination of percentage of responsibility, contribution, amount of recovery, and amount of liability. Specifically, SRC demands that the trier of fact determine the percentage of responsibility in whole numbers for Plaintiffs, SRC, all settling persons, and all responsible third parties, with respect to each entity’s causing or contributing to cause in any way the harm for which recovery of damages is sought, pursuant to Section 33.003(a) of the Texas Civil Practice and Remedies Code.

6. In the alternative, and without waiving the foregoing, SRC asserts that any recovery that Plaintiffs may obtain in this matter be reduced by the sum of the dollar amounts of all settlements with all settling persons, if any exist, pursuant to Sections 33.011(5) and 33.012(b) of the Texas Civil Practice and Remedies Code.

7. In the alternative, and without waiving the foregoing, SRC affirmatively asserts that it is entitled to all rights and remedies available to it relative to the damages sought by Plaintiffs for medical expenses and lost earnings, pursuant to Chapter 18 of the Texas Civil Practice and Remedies Code.

8. In the alternative, and without waiving the foregoing, SRC specifically denies that it is liable in the capacity in which it has been sued. This denial is supported by the Verification of Jason Wagner, pursuant to Texas Rules of Civil Procedure 14 and 93.

9. In the alternative, and without waiving the foregoing, SRC affirmatively asserts that there is a defect of parties defendants. This is supported by the Verification of Jason Wagner, pursuant to Texas Rules of Civil Procedure 14 and 93.

WHEREFORE, PREMISES CONSIDERED, Defendant, SCR Real Estate (TX), LLC prays that Plaintiffs take nothing by this suit against SRC, and further prays for such other and further relief, both general and special, at law and in equity, to which SRC may be justly entitled.

Respectfully submitted,

WAGNER LAW, PLLC

By: /s/ Jason Wagner

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**ATTORNEYS FOR DEFENDANT
SCR REAL ESTATE (TX), LLC**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Defendant SCR Real Estate (TX), LLC's Verified Original Answer** was served, pursuant to Texas Rule of Civil Procedure 21 and 21a, via e-service, on this the 30th day of December 2020, to:

Nicholas L. Ware
Crim & Villalpando, PC
2122 E. Governors Circle
Houston, Texas 77092
(Attorney for Plaintiffs)

/s/Jason Wagner
Jason Wagner

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	§	
SRC REAL ESTATE (TX), LLC, AND	§	
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AFFIDAVIT OF JASON WAGNER

STATE OF TEXAS	§
	§
COUNTY OF HARRIS	§

BEFORE ME, the undersigned authority, on this day personally appeared **Jason Wagner**, who, upon being sworn, did depose and state as follows:

My name is Jason Wagner. I am over eighteen years of age. I am of sound mind and body. I am competent and capable of making this Affidavit. I make this Affidavit in my capacity as attorney for Defendant SRC Real Estate (TX), LLC pursuant to Texas Rule of Civil Procedure 14. The facts stated herein are within my personal knowledge in my capacity as attorney for the Defendant. Those allegations are true and correct.

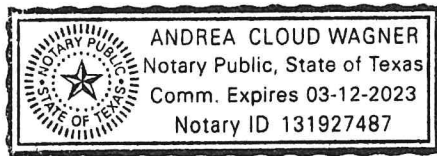
I have read the allegations made in Paragraphs 8-9 of Defendant's Verified Original Answer. Those allegations are true, meaning that the named defendants in this case are not liable in the capacity in which they have been sued and there is a defect in parties, specifically, in defendants.


Further Affiant sayeth not.



Jason Wagner

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on this the 30th
day of December, 2020 witness my hand and seal of office.





NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS